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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHELE FIORE,

Defendant.

Case No. 2:24-cr-0155-JAD-DJA

**DEFENDANT’S MOTION IN LIMINE
TO EXCLUDE GOVERNMENT’S
REFERENCES AND/OR INCLUSION
OF ALYN BECK’S FAMILY AND/OR
WIDOW TO TESTIFY IN THIS CASE**

This Motion is filed timely.

I. INTRODUCTION

Nicole Beck, widow of fallen Metro police officer Alyn Beck, was served a subpoena to testify in the above referenced case.

II. ARGUMENT

1. Rule 403 prohibits the introduction of this evidence.

Even if the evidence satisfies Rule 404(b), this Court must still “decide whether the probative value is substantially outweighed by the prejudicial impact under Rule 403.”¹ Rule 403 plays an “important role” in this context.² Other acts evidence carries “the inherent potential” for a jury “to see the defendant simply as a bad person and then to convict because of who he is rather

¹ *United States v. Romero*, 282 F.3d 683, 688 (9th Cir. 2002).

² *United States v. Wells*, 879 F.3d 900, 924 (9th Cir. 2018).

1 than what he did.”³ Thus, a stringent Rule 403 inquiry is of “critical importance” in protecting “a
 2 defendant’s right to a fair trial.”⁴ This stricter test demands that “where the evidence is of very
 3 slight (if any) probative value, it’s an abuse of discretion to admit it if there’s even a modest
 4 likelihood of unfair prejudice or a small risk of misleading the jury.”⁵ There is a significant risk of
 5 unfair prejudice here.

6 The inclusion of a person who does not have personal information regarding the purchase
 7 or fundraising of a statue in honor of her husband offers no value to a jury regarding the
 8 Government’s charges against Michele Fiore. The Government’s insistence in including fallen
 9 officer Alyn Beck’s widow amounts to nothing more than to inflame both the public as well as the
 10 jury against Ms. Fiore. The Government has already noticed witnesses who can testify as to the
 11 purpose of the statue in question, without invoking the predictable emotional response of a widow.
 12 Plus to include the widow would be an unnecessary and cruel means to her and her family
 13 personally.

14 As a result, the defense believes under FRCP 403 that any information gathered from the
 15 widow of fallen officer Alyn Beck can be gathered from other sources during the trial, and that her
 16 inclusion only is for inciting emotional reaction from the jury, and therefore asks this Court to
 17 exclude her testimony in this case.

18 **III. CONCLUSION**

19 For these reasons, this Court should prohibit the government from introducing the
 20 referenced other acts evidence.

21 Dated: September 3, 2024.

22 By: _____
 23 Michael Sanft, Esq.

24
 25 _____
 26 ³ *Curtin*, 489 F.3d at 957.

27 ⁴ *Id.*

28 ⁵ *Preston*, 873 F.3d at 841.